

REMARKS

Claims 15-26 are pending in this application. Claims 1-14 have been cancelled and claims 15-26 have been added. The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicant would otherwise be entitled in view of the prior art.

Rejection under 35 U.S.C. §103

Previously pending claims 7 and 10-12 were rejected under 35 U.S.C. §103 as being obvious based upon U.S. Patent No. 2,337,069, to Spiller et al. (Spiller), and in view of U.S. Patent No. 5,062,504, to Yamamoto. Applicants respectfully disagree.

Notwithstanding, Applicants have added new claims for prosecution in the present application. These claims include features the combination of which is not taught or suggested by either Spiller or Yamamoto, as described below.

Claim 15 includes the feature that the first and second actuating levers are configured to selectively engage the lower anchor block. Spiller teaches separate anchor pins for each of the actuating lever which provides for eccentric movement of the brake pads and concentric movement of the actuating levers. Modification of Spiller to remove these separate anchor blocks would render the invention of Spiller unsatisfactory for its intended purpose as it will remove the capability for both eccentric and concentric rotational movement.¹ Spiller fails to teach or suggest the combination as a whole that is claimed by the applicant.

Claim 15 includes the feature that that the first and second brake shoes are pivotally mounted to the actuating levers at a midpoint of the brake shoes, through a pivotal connection. Spiller instead teaches sliding engagement with a pivot pin. Spiller fails to teach or suggest the combination as a whole that is claimed by the applicant.

Claim 15 includes the feature of an automatic adjustment device engaging the upper ends of the first and second actuating levers. Spiller fails to teach any adjustment device. Yamamoto fails to teach any adjustment device engaging the upper ends of a first and second actuating lever. Furthermore, nowhere in Spiller does it teach or suggest the use of an adjustment device and nowhere in Yamamoto does it teach or suggest the use of the adjustment device with actuating levers or does it even teach or suggest the use of dual leading-shoes for the drum brake. The references

¹ *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)

simply do not teach or suggest the engagement of an automatic adjustment device with actuating levers. The combination as a whole of claim 15 is not taught by either Stiller or Yamamoto.

Claim 15 includes the feature that the first and second actuating levers float with respect to the backing plate. Spiller instead teaches mounting of the actuating levers to the backing plate through upper anchor pin 16 and rotatably mounted to the backing plate through lower anchor pin 15. Furthermore, Yamamoto does not include any actuating lever, let alone the floating configuration of claim 15. The combination as a whole of claim 15 is not taught by either Stiller or Yamamoto.

For at least these reasons, claim 15 is not anticipated or rendered obvious by Spiller and/or Yamamoto. Accordingly, claim 15 appears to be in condition for allowance. Likewise, claims 16-26, which includes yet additional features not taught or suggested by Spiller and/or Yamamoto are also believed to be allowable.

Drawings Amendments

Applicants have filed herewith a voluntary amendment of the formal drawings to correct a minor defect discovered. More specifically, Fig. 2 has been amended to show a gap between the lower end (22) of brake shoe (8) and anchor block (14). Support for this amendment can be found in the drawings as originally filed. Applicants request approval of the amended drawings.

By amending the application, the Applicants do not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicants reserve the right to file a continuation application to pursue the breadth of the claims as filed. Applicants believe that the Examiner has not made a sufficient showing of inherency of the teachings of the asserted prior art, especially given the lack of teachings in the cited references of the properties that Applicants have recited in their claims.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicants from capturing every nuance of the invention or describing with complete precision

the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which Applicants would otherwise be entitled.

CONCLUSIONS

In view of Applicants' amendments and remarks, the Examiner's rejections are believed to be rendered moot. Accordingly, Applicants submit that the present application is in condition for allowance and requests that the Examiner pass the case to issue at the earliest convenience. Should the Examiner have any question or wish to further discuss this application, Applicant requests that the Examiner contact the undersigned at (248) 292-2920.

If for some reason Applicants have not requested a sufficient extension and/or have not paid a sufficient fee for this response and/or for the extension necessary to prevent the abandonment of this application, please consider this as a request for an extension for the required time period and/or authorization to charge Deposit Account No. 50-1097 for any fee which may be due.

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